

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 6844

BILL NUMBER: SB 299

DATE PREPARED: Dec 27, 2001

BILL AMENDED:

SUBJECT: Lifetime Probation.

FISCAL ANALYST: Mark Goodpaster

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FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill requires lifetime probation for certain repeat sex offenders. It provides a deadline for filing a request for lifetime probation.

Effective Date: July 1, 2002.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: Any effects of this bill would depend on the current sentencing patterns of the courts. It is assumed that under current law, the earliest year that this bill would begin to affect probation workload would be 2010. The estimated effects on the future workload of county probation departments will depend on the average age of the offenders at the time of release from prison, the number of offenders being released, and the earliest year when offenders would be released on probation.

Based on the number of offenders being committed to DOC facilities in FY 2001 and making adjustments for the percentage of offenders committed for repeat sexual offender enhancements, the number of new offenders who would be on lifetime probation could increase to over 400 by 2025.

Average Age: The Department of Correction (DOC) reports that the average age of the sex offenders released for child molesting between FY 1998 and FY 2000 was 35.9 years.

Number of Offenders Affected: Information on the age of victims is known for offenders sentenced for either child molestation, vicarious sexual gratification, or for sexual misconduct with a minor. Of these three groups, the number of offenders sentenced to DOC facilities has increased from 135 to 286 between 1996 and 2001. Based on the current population in DOC facilities sentenced for sex crimes under IC 35-42-4, the

percentage of Class A and B offenders who have been sentenced on a second offense for a sex crime is 10%.

Earliest Year Offender Released: Since July 1, 1999, a court may sentence a person who is found to have one prior unrelated felony for a sex crime to an additional fixed term ranging from the presumptive sentence and ten years. Since the presumptive sentence for a Class B felony is ten years, the earliest that this bill would affect any probation department would be 2010 when offenders who are sentenced for a Class B felony are released after serving 3.7 years for the offense and five years for the repeat sexual offender enhancement. (Note: Offenders are assumed to serve 50% of their sentences because they comply with facility conduct requirements.) For Class A offenders who are committed in 2002, their earliest year of release would be 2017 (length of stay for a Class A felony is 10 years, and the length of stay for the repeat sexual offender enhancement would be five years).

The number of additional probation officers who might need to be added will depend on the workload of these officers and the type of technology that might be available for monitoring these offenders.

Background: The number of offenders sentenced to DOC facilities between 1996 and 2001 are shown below.

Number of Offenders Committed to DOC Facilities Between FY 1996 and 2001								
Felony	Crime	Code Cite	1996	1997	1998	1999	2000	2001
A	Child Molesting	IC 35-42-4-3	6	12	31	53	96	79
B	Child Molesting	IC 35-42-4-3	129	116	78	89	137	145
A	Sex. Misc. with Minor	IC 35-42-4-9	0	0	0	0	0	0
B	Sex. Misc. with Minor	IC 35-42-4-9	0	6	24	38	51	62
A	Vic. Sexual Gratification	IC 35-42-4-5	0	0	0	0	0	0
B	Vic. Sexual Gratification	IC 35-42-4-5	<u>15</u>	<u>0</u>	<u>11</u>	<u>1</u>	<u>1</u>	<u>2</u>
	Subtotal		<u>150</u>	<u>134</u>	<u>144</u>	<u>181</u>	<u>285</u>	<u>288</u>
Felony	Crime	Code Cite	1996	1997	1998	1999	2000	2001
A	Crim Dev. Conduct	IC 35-42-4-2	3	4	7	3	1	8
B	Crim Deviate Conduct	IC 35-42-4-2	6	15	12	15	26	20
A	Rape	IC 35-42-4-1	19	20	8	16	15	20
B	Rape	IC 35-42-4-1	<u>42</u>	<u>43</u>	<u>34</u>	<u>31</u>	<u>53</u>	<u>66</u>
	Subtotal		<u>70</u>	<u>82</u>	<u>61</u>	<u>65</u>	<u>95</u>	<u>114</u>

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected: Probation departments.

Information Sources: IC 35-50-2-14, Department of Correction.